

REMARKS

Claims 1-43 are currently pending in the application. By this Amendment, claims 1, 2, 18 and 32-35 have been amended, without acquiescence or prejudice to pursue the original claims in a related application. No new matter has been added. Support can be found at least in paragraph 23 in the specification as originally filed.

Substance of Interview

Applicants would like to thank the Examiner for the Examiner initiated interview dated 9 November 2009. The Examiner indicated allowable subject matter which has been included in the amendments to the claims in this response.

Claim Rejections - 35 USC § 103

Claims 18-31, 34-35 and 40-43 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Burgoon. (United States Patent No.: 5,706,510) in view of Earl et al. (United States Patent No.: US 6,966,058 B2) further in view of Sander et al. (United States Patent No. 7,505,971). Claims 1-13, 15-17, 32-33 and 36-39 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Devin et al. (5,706,510) in view of Burgoon, in further view of Sander. Claim 14 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Devin et al. (5,706,510) in view of Burgoon further in view of Earl et al.

Claim 1, similarly claims 18, 32-35 recites at least the feature “wherein the first member uses the private symbolic link and second member uses a second private symbolic link to access different versions of the shared file such that the private symbolic link is used to perform the rolling upgrade that does not require all members to be brought down in the computing system” (emphasis added).

Dervin is directed to dynamic cluster versioning for a group. It updates the cluster infrastructure versions used by a group resident in a clustered computer system without requiring a shut down of the group during the update. Dervin teaches in column 7, second full paragraph, that software on each node is individually updated while maintaining the clusters and groups thereon active. Once the cluster infrastructure software on all node in the

group has been updated, and adjust version request is sent to any node in the group. Then, the software version used by each group is dynamically updated. Sending adjust version request of Dervin is not the same as the private symbolic link as claimed. Dervin is silent with respect to any private symbolic link. Thus, Dervin does not teach or suggest “such that the private symbolic link is used to perform the rolling upgrade that does not require all members to be brought down in the computing system” (emphasis added).

According to the office action, Burgoon teaches updating the shared file system using zymlinks. The update of Burgoon does not utilize, during rolling upgrades, any private symbolic link such that different members access different versions of a shared file because of at least in part the private symbolic link links only authorized members as claims. The update of Burgoon allows whole trees of files to be updated using zymlink. Zymlink is not the same the private symbolic link. Therefore, Burgoon fails to teach or suggest “such that the private symbolic link is used to perform the rolling upgrade that does not require all members to be brought down in the computing system” (emphasis added).

Office action also states that Earl teaches sequentially loading and rebooting each of the plurality of nodes. However, this rolling upgrade process of Earl is not the process for the rolling upgrade of not requiring all members to be brought down. Earl is also silent with respect to any private symbolic link. Thus, Earl does not teach or suggest at least “such that the private symbolic link is used to perform the rolling upgrade that does not require all members to be brought down in the computing system” (emphasis added).

The Office action states that Sander discloses manager that prevents users of shared drive from seeing directory structures for other users. The Office action also states that the routine 47 creates and maintains symbolic links within each directory structure. Sander does not disclose using private symbolic links for rolling upgrades as claimed. Thus, Sander also does not teach or suggest at least “such that the private symbolic link is used to perform the rolling upgrade that does not require all members to be brought down in the computing system” (emphasis added).

For at least these reasons and reasons stated in previous responses, Applicants submit that Dervin, Burgoon, Sander and Earl, singly or in combination, fail to teach or suggest every limitation of claim 1-43.

CONCLUSION

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests th at the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number 01D 2002-179-01. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. 50-1105, referencing billing number 01D 2002-179-01.

Respectfully submitted,

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